

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION**

In re Application of: Luis Valente
Serial No.: 09/330,274

Docket No.: LIBE0013 (APP28US)
Art Unit: 2134

Filed: June 11, 1999

Examiner: Paul E. Callahan

Title: HIERARCHICAL OPEN SECURITY INFORMATION DELEGATION AND
ACQUISITION

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

REQUEST FOR RECONSIDERATION

Applicant respectfully requests reconsideration of the Office's denial of Applicant's Petition to Revive the above-identified application.

The Office in its August 26, 2005 decision dismissing Applicant's Petition stated that Applicant's Petition did not satisfy requirement (1), namely, "the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof."

Applicant is submitting herewith a continuation of the above-identified application. Applicant respectfully submits that such continuation application satisfies requirement (1) above. Therefore, Applicant requests that the Office vacate its dismissal of Applicant's Petition and grant the Petition. When the above-identified application is revived, please file the continuation application.

The Commissioner is authorized to charge any fees due in connection with this request for consideration to counsel's Deposit Account No. 20-0782/TVW/APP28US. All fees due in connection with the filing of the continuation application should be charged to counsel's Deposit Account No. 20-0782/TVW/APP28USC1 (A fee transmittal is included with Applicant's continuation application).

Respectfully submitted,



Eamon J. Wall
Registration No. 39,414
PATTERSON & SHERIDAN, L.L.P.
595 Shrewsbury Ave., Suite 100
Shrewsbury, NJ 07702-4185
Telephone: (732) 530-9404
Facsimile: (732) 530-9808
Attorneys for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

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O P E I A P P 823
P A T E N T & T R A D E M A R K O F F I C E

MOSER PATTERSON & SHERIDAN
595 SHREWSBURY AVE, STE 100
FIRST FLOOR
SHREWSBURY, NJ 07702

cc | APP 823
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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OFFICE OF PETITIONS

In re Application of
Luis Valente
Application No. 09/330,274
Filed: June 11, 1999
Attorney Docket No. LIEB0013

R E C E I V E D
AUG 29 2005

Moser, Patterson & Sheridan
New Jersey

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 14, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 29, 2002, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 30, 2002. A Notice of Abandonment was mailed on December 16, 2003.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and

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AUG 30 2005

By Sherman

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)).

The instant petition does not satisfy requirement (1) above.

The amendment filed on September 15, 2003 has been reviewed by examiner Paul Callahan. He determined that said amendment "canceling all claims drawn to the elected invention (election by original presentation) and presenting only claims drawn to a non-elected invention, is non-responsive (MPEP 821.03). The remaining claims are not readable on the elected invention...." Therefore, since the amendment does not constitute a proper reply under 37 CFR §1.137(b)(1) and this petition must be dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

Pursuant to petitioner's authorization, Deposit Account No. 20-0782 was charged \$1,500.00 for the petition to revive an unintentionally abandoned application.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.


Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

#18
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO/TITLE
09/330,274	06/11/1999	LUIS VALENTE	LIBE0013

CONFIRMATION NO. 9225

26291
MOSER, PATTERSON & SHERIDAN L.L.P.
595 SHREWSBURY AVE
FIRST FLOOR
SHREWSBURY, NJ 07702



OC000000010948959

PARENT

Date Mailed: 09/30/2003

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/15/2003.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.


EFREM WARREN
2100 (703) 305-2943

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant(s): Valente
Case: LIBE/APP28US
Serial No.: 09/330,274 Filed: 6/11/99
Examiner: P. Callahan Group Art Unit: 2134
Title: HIERARCHICAL OPEN SECURITY INFORMATION
DELEGATION AND ACQUISITION

POWER OF ATTORNEY/
CHANGE OF CORRESPONDENCE ADDRESS

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

As Assignee of record (assignment inventor to Network Computers, Inc. recorded on October 12, 1999 at Reel/Frame 010298/0719; change of name of Network Computers, Inc. to Liberate Technologies recorded on October 12, 1999 at Reel/Frame 010298/0549) of the entire interest of the above-identified patent application, all powers of attorney previously given are hereby revoked and the following attorneys and agents are hereby appointed to prosecute and transact all business in the United States Patent & Trademark Office connected therewith.

Attorney Name(s): Attorneys and/or Agents of CUSTOMER #26,291

Please send all correspondence to:

CUSTOMER #26,291
MOSER, PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue
Suite 100
Shrewsbury, New Jersey 07702
Attention: Eamon J. Wall

Telephone calls should be made to EAMON J. WALL at:

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09/15/03 14:57 FAX 732 530 9808

MOSER PATTERSON SHERIDAN

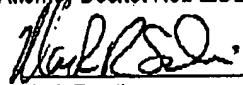
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Phone No.: 732-530-9404
Fax No.: 732-530-9808

Please mark the record to reflect new Attorney Docket No.: LIBE/APP28US.

Date: 9/5/03



Mark Scadina
Vice President of Intellectual Property
Liberate Technologies

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Received from <732 530 9808> at 9/15/03 3:51:19 PM [Eastern Daylight Time]